

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACCESS BUSINESS GROUP
INTERNATIONAL, LLC et al.,

Plaintiffs,

-against-

REFRESCO BEVERAGES US INC.,

Defendant.

21-cv-10779 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:


As stated on the record during the April 29 conference:

1. Plaintiffs' motion in limine GRANTED. The Envases report may not be introduced as part of Defendant's case in chief, but it may be relied on by experts, and it may be introduced if Plaintiffs open the door.
2. Defendant's first motion in limine is DENIED.
3. Defendant's second motion in limine is GRANTED IN PART. The text of the report is excluded. The photos may come in depending on Plaintiff's ability to satisfy Rule 803(6).
4. Defendant's third motion in limine is DENIED on the understanding that the report is only being relied on by experts and will not be admitted as evidence.
5. Defendants' fourth and fifth motions in limine are GRANTED IN PART. PX-4 is excluded. Statements by Ardagh or its employees, whether in Ardagh documents or as discussed among Refresco employees, are excluded unless Plaintiffs can show that Ardagh acted as Refresco's agent within the meaning of Rule 801. Other statements by Refresco employees are admissible.
6. The Court will hold a remote follow-up conference on May 3, 2024, at 2:30 p.m. The parties should dial 646-453-4442 and enter conference ID 439 211 902#.

The Clerk of Court is directed to close Dkts. 117, 120.

SO ORDERED.

Dated: April 30, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge